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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,320

02/17/2004

Jack E. Caveney

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PANDUIT CORP.
LEGAL DEPARTMENT - TP12
17301 SOUTH RIDGELAND AVENUE
TINLEY PARK, IL 60477

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,320	Applicant(s) CAVENEY ET AL.	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 30, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 7, 9, 11, 14, 17, 19 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson [U.S. Patent 5,568,362] in view of Bullivant [U.S. Patent 5,765,698]. Hansson (figures 1-5) teaches of a wall mount cabinet (shown in fig. 1, but viewed as if the cabinet was inverted so as to accommodate wires coming in from the top of the cabinet as opposed to the bottom of the cabinet) comprising: a rear section (13) having a top side (at 22), a bottom side (opposite of 22) and a first side (hinged side) between the top side and the bottom side, the rear section including a cutout (viewed as the cutout along 22) extending from the first side along a portion of the top side, wherein the cutout is adapted to receive a plurality of cables (18) (fig. 2

Art Unit: 3637

for example); and a front section (10) hingedly connected to the rear section at a pivot point adjacent the cutout, the front section having means (23) secured thereon, wherein the means is adapted to enclose the plurality of cables, wherein the cutout and the means allow the plurality of cables to rotate about the pivot point when the front section of the cabinet is moved from a closed position to an open position.

Hansson teaches applicant's inventive claimed cabinet structure substantially as disclosed above, but does not show the "means" as being a D-ring. Bullivant (figures 1-11) is cited as an evidence reference to show that it was known in the art to utilize a D-ring (116) on a hinged structure for the purpose of securely retaining wires/cables while the structure is pivoted. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify / substitute the means of Hansson for a D-ring as taught by Bullivant because this arrangement would provide Hansson with a simple yet efficient way of maintaining control over a bundle of wires as the front section is pivoted between latched and unlatched positions while preventing entanglement of the cables [Bullivant - col. 4]. As to claim 4, the cabinet further comprises a front door (12a) hingedly connected to the front, section, wherein the front door includes a transparent window (fig. 1). As to claim 7, the front section includes a patch panel (30) secured to a rail (23) mounted therein so far as broadly recited. As to claim 9, the front section includes active equipment (17, 19) secured to a rail (23) mounted therein so far as broadly recited. As to claims 11, 14, 17, 19 & 23, the particulars recited in these claims have been addressed in the body of the above rejection.

4. Claims 2 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Ehrenfels [U.S. Patent 5,239,129].

Art Unit: 3637

The modified prior art teach applicant's inventive claimed cabinet as disclosed above, but the prior art does not show a transition duct positioned adjacent the cutout. Ehrenfels (figures 1-12) is cited as an evidence reference to show that it was known in the electrical cabinet art to utilize a transition duct (65) positioned adjacent to a cutout (39) for the purpose of concealing and protecting the wires / cables located within. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a transition duct into the cabinet assembly of the modified prior art as taught by Ehrenfels because this arrangement would provide the modified cabinet with a means to conceal the bundle of wires leading into the cabinet [aesthetically pleasing] while protecting the wires from accidental damage since they are secured within a rigid chase.

5. Claims 3 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Neufeld [U.S. Patent 3,623,784]. The modified prior art teach applicant's inventive claimed cabinet as disclosed above, but the prior art does not show two side access panels hinged to the front section. Neufeld (figures 1-4) is cited as an evidence reference to show that it was known in the cabinet art to utilize a pair of access panels (20) as opposed to a single panel. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a pair of access panels hingedly connected to the front section as opposed to one access panel because this arrangement would allow selective access to the interior of the cabinet thereby a portion of the cabinet is gained without having to expose the entire cabinet's interior. Furthermore, it would have been obvious to one having ordinary skill in the

Art Unit: 3637

art at the time the invention was made to incorporate an additional panel since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.; consequently, the courts have held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

6. Claims 5 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Nelson et al., [U.S. Patent 6,061,966]. The modified prior art teach applicant's inventive claimed cabinet as disclosed above, but the prior art does not show a rod that maintains the front section open with respect to the rear section at about 90 degrees. Nelson (figure 17) is cited as an evidence reference to show that it was known in the electrical cabinet art to utilize a rod (302) to maintain a front section (200) open with respect to a rear section (308) at about 90 degrees for the purpose of keeping the front section in a fixed position relative to the rear section. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a rod into the cabinet assembly of the modified prior art as taught by Nelson because this arrangement would provide the modified cabinet with a means to maintain the front section in a fixed 90 degree position relative to the rear section in order to allow an operator to gain unobstructed / unhindered access within the cabinet.

7. Claims 6, 8, 10, 16, 18 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Lawrence et al., [U.S. Patent 6,504,100]. The modified prior art teach applicant's inventive claimed

Art Unit: 3637

cabinet as disclosed above, but the prior art does not show the front section as having a slack cable manager secured to a rail, with the rail being adjustably mounted within the front section. Lawrence (figures 1-9) is cited as an evidence reference to show that it was known in the wire management art to employ a slack cable manager (40) secured to a rail (20). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the manager and rail assembly of Lawrence into the cabinet assembly of the modified prior art because this arrangement would provide the modified cabinet with an additional means to securely retain bundles of wires / cables housed within the cabinet while selectively mounting the rail within the front section affords unlimited mounting configurations due to the simplistic structure of the rail {note col. 6 of Lawrence in reference to fig. 8}.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al., describes a cable management structure utilizing rings to secure cables onto a pivoting body.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James O. Hansen/
Primary Examiner, Art Unit 3637

JOH
January 21, 2008